

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, et al. Plaintiff,

8 cv 03037 (lap)

- against -

Merrill Lynch & Co., Inc., Defendant.  
et al.

**MOTION TO ADMIT COUNSEL**

**PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I, Jonathan K. Levine a member in good standing of  
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: A. J. De Bartolomeo

Firm Name: Girard Gibbs LLP

Address: 601 California Street, Suite 1400

City/State/Zip: San Francisco, CA 94108

Phone Number: (415) 981-4800

Fax Number: (415) 981-4846

A. J. De Bartolomeo  
California

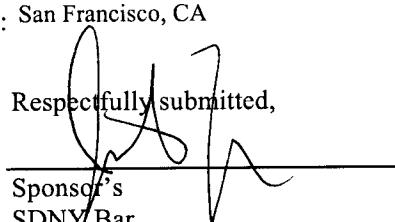
is a member in good standing of the Bar of the States of

There are no pending disciplinary proceeding against A. J. De Bartolomeo  
in any State or Federal court.

Dated: 5/30/2008

City, State: San Francisco, CA

Respectfully submitted,

  
Sponsor's  
SDNY Bar

Firm Name:

Address:

City/State/Zip:

Phone Number:

Fax Number:

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, Individually  
And On Behalf of All Others Similarly Situated,      )      CIVIL ACTION NO. 08-CV-03178  
    )  
    )  
Plaintiff,    )  
    )  
v.    )  
    )  
Merrill Lynch & Co., Inc. and Merrill Lynch,  
Pierce, Fenner & Smith Inc.,                            )  
    )  
Defendants.    )

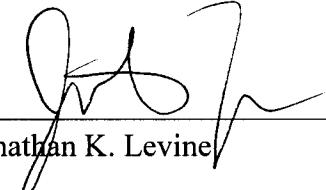
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**AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'  
PRO HAC VICE ADMISSION OF A. J. De BARTOLOMEO**

I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law before this Court. My admission to this Court was on March 14, 1989.
2. I am not under suspension or disbarment by any court.
3. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14<sup>th</sup> Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' Motion for the admission of A. J. De Bartolomeo *pro hac vice*.
5. I have known A. J. De Bartolomeo for 8 years, and believe he will uphold the integrity of this Court, and will comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 30<sup>th</sup> day of May, 2008 at San Francisco, California.

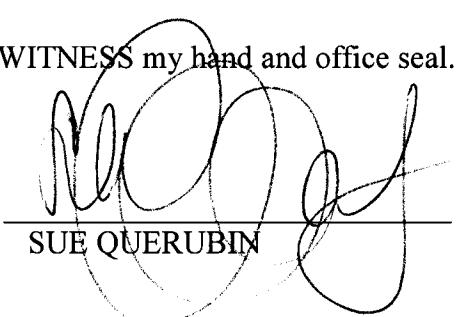


\_\_\_\_\_  
Jonathan K. Levine

On May 30, 2008, before me, Sue Querubin, Notary Public, personally appeared Jonathan K. Levine, proved by satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and office seal.



\_\_\_\_\_  
SUE QUERUBIN

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

|  |                              |
|--|------------------------------|
| Frederick Burton, Individually And On Behalf of )  |                              |
| All Others Similarly Situated, )                   | ) Case No. 1:08-cv-03037-LAP |
| Plaintiff, )                                       | )                            |
| v. )   | )                            |
| Merrill Lynch & Co., Inc. and Merrill Lynch, )     | )                            |
| Pierce, Fenner & Smith Inc., )                     | )                            |
| Defendants. )                                      | )                            |
| <hr/>  |                              |
| Richard Stanton (as Trustee for Ashley Stanton), ) | )                            |
| On Behalf of All Others Similarly Situated, )      | ) Case No. 1:08-cv-03054-LAP |
| Plaintiff, )                                       | )                            |
| v. )   | )                            |
| Merrill Lynch & Co., Inc. and Merrill Lynch, )     | )                            |
| Pierce, Fenner & Smith Inc., )                     | )                            |
| Defendants. )                                      | )                            |

**DECLARATION OF A. J. De BARTOLOMEO IN SUPPORT OF PLAINTIFFS'**

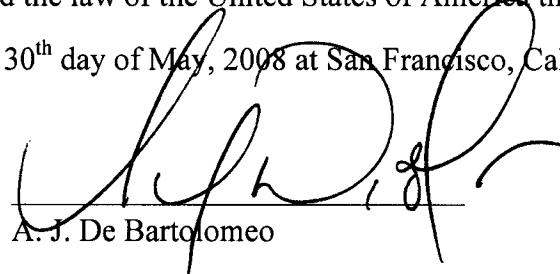
**PRO HAC VICE MOTION**

I, A. J. De Bartolomeo, pursuant to 28 U.S.C. §1746, hereby declare under the penalty of perjury as follows:

1. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14<sup>th</sup> Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.
2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificates of Good Standing (**Exhibit A**), I am a member in good standing of the Bar of the State of California.
3. There are no pending disciplinary proceedings against me in any State or Federal Court.

4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned matter.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 30<sup>th</sup> day of May, 2008 at San Francisco, California.

A handwritten signature in black ink, appearing to read "A. J. De Bartolomeo". The signature is fluid and cursive, with a large, stylized 'A' at the beginning.

# Exhibit A



**THE STATE BAR  
OF CALIFORNIA**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

**MEMBER SERVICES CENTER**

TELEPHONE: 888-800-3400

May 2, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, ANNE MARIE JANINE DE BARTOLOMEO, #136502 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 1988; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature of Kath Lambert.  
Kath Lambert  
Custodian of Membership Records

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Frederick Burton, et al.

Plaintiff,

8 cv 03037 (lap )

- against -

Merrill Lynch & Co., Inc., et al.

Defendant.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Jonathan K. Levine attorney for Plaintiff, Frederick Burton and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: A. J. De Bartolomeo

Firm Name: Girard Gibbs LLP

Address: 601 California Street, Suite 1400

City/State/Zip: San Francisco, CA 94108

Telephone/Fax: (415) 981-4800

Email Address: ajd@girardgibbs.com

is admitted to practice pro hac vice as counsel for Plaintiff, Frederick Burton in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
City, State: New York, NY

United States District/Magistrate Judge